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DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

April 16, 2008

John A. Gefferth, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: Approval for Abatement of Notice of Violation #10005 (Refuse Drainage to Pond 8), Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #2929, Outgoing File

Dear Mr. Gefferth:

A Division of Oil, Gas and Mining (the Division) conditional approval letter was mailed to Consolidation Coal Company (the Permittee) on March 4, 2008. The letter indicated that upon the submittal of four clean copies and one disc to the Division, Notice of Violation #10005 (NOV #10005) would be abated upon the following conditions:

1. Part of the update to the MRP involved modification of the reclamation cost estimate. The Division determined that the bond amount is inadequate to ensure that the Division could adequately reclaim the site in the event of bond forfeiture. The Permittee must increase the bond by \$440,000. If the Permittee fails to post the additional bond amount the Division will take additional enforcement action.
2. The Permittee must demonstrate that a qualified registered professional engineer has certified all of the submitted cross-sections, plates and hydrologic designs relative to NOV #10005. A stamp may be provided on the initial page of the hydrologic calculations with a statement that specifies which pages/calculations the certification pertains to.
3. In addition, the Permittee will commit (in accordance with R645-301-731.311) to sampling the existing waste pile at least one year prior to final reclamation. The core sampling will be conducted on a grid over the surface of the pile with a minimum of 5 cores. A sample from each core will be taken at 5 ft intervals.



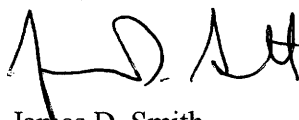
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Each 5 ft. interval will be analyzed for pH, EC, SAR, Acid Base Accounting, Se, B, and texture. The results of the analysis will be reported to the Division promptly and will be included in the annual report. The final reclamation handling plan may change, based upon these analyses."

On April 8, 2008, the Division received four clean copies and one disc from the Permittee. Division staff reviewed the submitted information and determined that the aforementioned conditions have been adequately addressed. This letter serves as notice that NOV #10005 is officially abated. In addition, a termination notice will be generated by Division Inspector Karl Houskeeper and sent under separate cover. The submitted information has been incorporated into the approved Mining and Reclamation Plan (MRP). Enclosed is a stamped incorporated copy of the approved information for insertion into your copy of the MRP.

If you have any questions, please call me at (801) 538-5325 or Steve Christensen at (801) 538-5350.

Sincerely,



James D. Smith
Permit Supervisor

Skc/an
Enclosure

cc: Randy Holbrook, OSM
Jim Kohler, BLM
Marc Stilson, Water Rights
Dave Ariotti, DEQ
Eric Larson, DWR
Price Field Office

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